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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,444	10/03/2001	Eiji Hamamoto	04558/056001	9646

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EXAMINER

CURTIS, CRAIG

ART UNIT PAPER NUMBER

2872

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/970,444

Applicant(s)

TATSUMI ET AL.

Examiner

Craig Curtis

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Disposition of the Instant Application*

- This Office Action is responsive to Applicants' Amendment filed on 5 November 2003.
- By this amendment, Applicants have amended claims 3 and 17 to overcome rejection under 35 USC § 112, second paragraph, and have amended claims 4 and 18 to depend on claims 3 and 17, respectively.
- Claims 1-24 presently are pending in the instant application.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. **Claims 1-5, 8-11, and 20-23 are rejected under 35 U.S.C. § 112, first paragraph**, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically, the polarizing plate limitations presently recited in these claims lack positive and specific structural limitations, which has the effect of rendering these claims subject to undue breadth rejection. See MPEP § 2164.08 (a) & *Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (5,071,906).**

With regard to **claims 1, 2, and 20-23**, the polarizing film (*read*: polarizing plate) taught by Tanaka et al. inherently exhibits, in the same manner as that exhibited by the polarizing plate disclosed by Applicants, each of the (single transmittance)/(crossed transmittance) limitations respectively recited in the above-identified claims. *See entire document.*

With regard to **claims 3-5**, the polarizing film (*read*: polarizing plate) taught by Tanaka et al. inherently exhibits, in the same manner as that exhibited by the polarizing plate disclosed by Applicants, each of the following respectively recited limitations: wherein said luminous corrected transmittance Y of at least 42.5% when the standard illuminant is a C light source having luminous factor correction per 10 nm in a range from 700 nm to 400 nm (*read*: from 400 nm to 700 nm); wherein said transmittance Y is at least 43.0 % but not more than 44.0 %, and wherein said polarization degree is at least 99.98 %. *See entire document (e.g., col. 7, ll. 53-67--col. 8, ll. 1-14).*

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### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 6, 7, 14-19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (5,071,906).**

Regarding **claims 6, 13, 14, 16, and 24**, Tanaka et al. disclose the claimed invention as set forth above with regard to claim 1. Tanaka et al. further provide teachings of the following respectively recited limitations: wherein said polarizing plate is produced from a polyvinyl alcohol (PVA) film (see, e.g., Abstract) in a series of steps of: dyeing said PVA film in a dye bath containing a dye selected from the group consisting of dichroic iodine and dichroic dyestuff (see, e.g., col. 1, ll. 45-53; also see col. 4, ll. 55-60 & col. 5, ll. 1-24), and crosslinking with a crosslinking agent (col. 5, ll. 19-24: namely, boric acid) while stretching the PVA film, said stretch ratio being 1-4 (col. 4, ll. 58-60) or higher (see, e.g., col. 9, ll. 19-23) -- **EXCEPT FOR** an explicit teaching wherein said crosslinking is accomplished in respective crosslinking steps. As Tanaka et al., however, do in fact provide explicit teachings of several different examples of crosslinking baths--albeit each of said examples being performed independently of one another--the Examiner contends that it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have respectively subjected said polyvinyl alcohol (PVA) film to a second crosslinking bath, a stretch ratio in said second crosslinking bath being higher than the stretch ratio in said first bath (cf., e.g., Example 1 (col. 8, ll. 22-63; esp. l. 56) & Example 3 (col. 9, ll. 9-28; esp. ll. 19-23)), for at least the purpose of producing desired polarization characteristics in said polarization plate.

With regard to claims 7 and 15, Tanaka et al. disclose a total stretch ratio for said PVA film that ranges from 5 to 7. See, e.g., Example 1 (col. 8, ll. 22-63; esp. l. 56).

With regard to claims 17-19, please see the comments made above with regard to the recitation of like limitations in claims 3-5.

**4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (5,071,906) in view of Shinohara (5,833,878).**

Regarding claims 8-11, Tanaka et al. disclose the claimed invention as set forth above with regard to claim 1 **EXCEPT FOR** explicit teachings wherein said polarizing plate according to claim 1 further comprises the following respectively recited limitations: either a reflecting plate or a semitransparent reflecting plate bonded to said polarizing plate; a retardation plate ( $\lambda$  plate) bonded to the polarizing plate; a viewing angle compensating film bonded to said polarizing plate; and a brightness-enhanced film bonded to said polarizing plate by means of either an adhesive or pressure-sensitive adhesive.

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Shinohara, however, provides explicit teachings of each of the above-recited limitations. *See annotations made in col. 20.* It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of Tanaka et al. such that its polarizing plate further comprise the above-recited elements, each of which being explicitly taught by Shinohara, for at least the purpose of achieving a desired functionality vis-à-vis said polarizing plate.

**5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (5,833,878) in view of Tanaka et al. (5,071,906).**

Shinohara discloses a liquid crystal display comprising a liquid crystal cell and a polarizing plate provided onto at least one surface of said liquid crystal cell (see Abstract, entire document) **EXCEPT FOR** an explicit teaching wherein said polarizing plate exhibit the characteristics recited in the limitations of this claim. Tanaka et al., however, disclose, as set forth in detail above--in particular, see comments made above with regard to the polarization plate of claim 1—a polarizing plate having the (single transmittance)/(crossed transmittance) ratios recited in this claim. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of Shinohara such that it comprise a polarization plate exhibiting the characteristics recited in the limitations of this claim, as taught by Tanaka et al., for at least the purpose of optimizing the performance of said liquid crystal cell.

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### ***Response to Arguments***

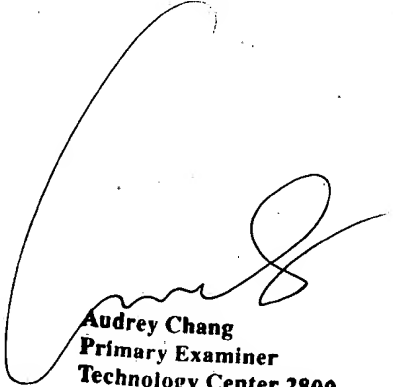
6. Applicants' arguments filed on 5 November 2003 have been fully considered but have not been found persuasive. The rejection of certain of the claims under 35 USC § 112, first paragraph, has been maintained pending further discussions with Applicants' Attorney.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Curtis, whose telephone number is (571) 272-2311. The centralized facsimile phone number for Art Unit 2872 is (703) 872-9306.

Any inquiry of a general nature regarding to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0956.

C.H.C.  
Craig H. Curtis  
Group Art Unit  
18 April 2004



Audrey Chang  
Primary Examiner  
Technology Center 2800